

Message Text

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ACTION ARA-06

INFO OCT-01 ISO-00 SCS-01 SCA-01 DHA-02 L-01 H-01
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TRSE-00 SS-14 /043 W
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R 081645Z JUL 77

FM AMEMBASSY MANAGUA
TO SECSTATE WASHDC 3717
INFO AMEMBASSY GUATEMALA
AMEMBASSY PANAMA
AMEMBASSY SAN JOSE
AMEMBASSY SAN SALVADOR
AMEMBASSY TEGUCIGALPA

C O N F I D E N T I A L SECTION 1 OF 2 MANAGUA 3226

LIMDIS

E.O. 11652: GDS

TAGS: BEXP, CARR, EFIN, PINR, SOCI, HO, NU

SUBJECT: BANK FRAUD AND SMUGGLING CASE SPREADS WIDE WEB, IMPLI-
CATES AMERICAN CITIZENS

REF: (A) MANAGUA 2538, (B) MANAGUA 3065, (C) MANAGUA 3111,
(E) MANAGUA 3190; (E) STATE 149405

1. BEGIN SUMMARY: A RECENT SCANDAL INVOLVING THE DEFRAUDING OF A SOMOZA-OWNED BANK AND A HUGE TEXTILE SMUGGLING OPERATION ALLEGED-
LY IMPLICATING SOMOZA'S MISTRESS HAVE GIVEN EMBASSY AND NICARAGUAN
PUBLIC AN UNACCUSTOMED GLIMPSE INTO PRESIDENT SOMOZA'S BUSINESS
EMPIRE. THAT GLIMPSE REVEALS GRAPHICALLY HOW SOMOZA'S INFLUENCE
PERMEATES MANY ASPECTS OF NICARAGUAN SOCIETY AND HOW INCAPABLE
SOMOZA IS OF ADEQUATELY CONTROLLING EVERYTHING THAT GOES ON IN HIS
FIEFDOM. IT ALSO INDICATES THAT DOING BUSINESS WITH SOMOZA, WHILE
PRESUMABLY PROFITABLE, CAN ALSO BE RISKY. TWO AMERICANS HAVE BEEN
JAILED AND ANOTHER IS INDICTED. WIFE OF ONE JAILED AMCIT CLAIMED
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HUSBAND'S HUMAN RIGHTS HAVE BEEN VIOLATED AND THAT HE IS BEING UN-
JUSTLY BLACKMAILED. SHE HAS PROMPTED CONGRESSIONAL INTEREST IN
HIS ARREST. SCANDAL ALSO HAS SURFACED INCIDENT OF ALLEGED GROSS
MISCONDUCT BY A NATIONAL GUARD GENERAL AND, ON THE PERIPHERY, MUR-
DER. END SUMMARY.

2. BACKGROUND AND INTRODUCCION: IN EARLY MAY LOCAL APERS DIS-

CLOSED THAT A BANK WHOSE MAJOR STOCKHOLDER IS PRESIDENT SOMOZA, BANCO DE CENTROAMERICA (BCA), HAD BEEN DEFRAUDED OF BETWEEN \$1.6 MILLION AND \$3 MILLION. THIS MAJOR SCANDAL HAS LED TO THE ARREST OF TWO AMERICANS, THE INDICTMENT OF ANOTHER, AND THE DISMISSAL OF A FOURTH FROM LONG-TIME SERVICE TO SOMOZA. NEARLY SIMULTANEOUSLY, PAPERS IMPLICATED SOME OF THE PRINCIPALS IN THE BCA SCANDAL AND OTHER PARTNERS AND BUSINESS ASSOCIATES OF SOMOZA IN A HUGE TEXTILE SMUGGLING OPERATION. THE LOCAL RUMOR MILL AND SOME EMBASSY SOURCES CLAIM THAT SOMOZA'S MISTRESS, DINORAH SAMPSON, IS ALSO DEEPLY IMPLICATED IN THE SMUGGLING OPERATIONS. THE SCANDAL CUTS A WIDE SWATH THROUGH NICARAGUAN BUSINESS AND OFFICIAL CIRCLES REVEALING CONSIDERABLE CORRUPTION. SCANDAL ALSO ILLUSTRATES HOW INEFFECTIVELY SOMOZA IS ABLE TO CONTROL HIS MYRIAD BUSINESS OPERATIONS AND HOW THE LEGAL SYSTEM BENDS TO HIS EXPRESSED OR PERCEIVED WISHES. IT ALSO SHOWS SOMETHING OF THE RISKS OF DOING BUSINESS WITH SOMOZA. OWING TO THE COMPLEX NATURE OF THE CASE, THIS MESSAGE CAN ONLY OUTLINE SOME OF THE ISSUES INVOLVED. ONE SHOULD ALSO BEAR IN MIND THE CAVEAT THAT SOME OF THIS INFORMATION AND MOST ALLEGATIONS HAVE BEEN PROVIDED BY THOSE WHO HAVE GRIEVANCES AGAINST SOMOZA.

3. BCA FRAUD: ROBERTO PATAKY PATAKY, A NICARAGUAN TEXTILE MERCHANT, ALLEGEDLY ENGAGED IN EXTENSIVE CHECK KITING OPERATIONS INVOLVING U.S. AND LOCAL FIRMS AND BANKS. PATAKY ACCUSED HIS AMCIT BUSINESS PARTNER, ARTHUR HARRY CHARITON, OF COMPLICITY IN THE FRAUD AGAINST BCA. CHARITON HAS DENIED THIS ALLEGATION. CHARITON, WHO IS ALSO SOMOZA'S PARTNER IN A LOCAL DOUBLE KNIT TEXTILE OPERA-
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TION, WAS ARRESTED NONETHELESS ON MAY 25. PATAKY HAS ALSO BEEN ARRESTED, AND BOTH HE AND HIS AMCIT WIFE, LOIS M. PATKY NEE MESINGER, HAVE BEEN INDICTED; SHE REMAINS HOWEVER IN U.S. WINSTON CHURCHILL DINDIAL, AN INDIAN NATIONAL CLAIMING U.S. RESIDENCE STATUS, AND A NUMBER OF LOCAL BCA OFFICIALS ARE ALSO IN JAIL. EUGENE DUDKIEWICZ, AMCIT MANAGER OF BCA, HAS BEEN DISMISSED. DUDKIEWICZ, WHO OVERSAW A LARGE NUMBER OF SOMOZA INVESTMENTS IN NICARAGUA AND U.S., TOLD EMBOFFS THAT HE HAS RESIGNED FROM ALL OF HIS SOMOZA-CONNECTED JOBS SINCE LATTER REFUSED TO SUPPORT HIS POSITION AT BCA. MEANWHILE SOMOZA TOLD AMBASSADOR THAT BCA'S LOSSES FROM FRAUD CAME TO \$1.6 MILLION (WELL OVER HALF OF BANK'S \$2.6 MILLION CAPITALIZATION) BUT THAT INSURANCE WILL REPLACE \$600,000 OF THAT AMOUNT. EMBASSY HAS REASON TO BELIEVE, HOWEVER, THAT IT IS A SOMOZA-OWNED INSURANCE COMPANY WHICH WILL HAVE TO PAY THE BCA AND THAT INTERNATIONAL UNDERWRITERS WILL NOT COMPENSATE THAT INSURANCE COMPANY.

4. PRESSURES BROUGHT TO BEAR ON AMCITS: CHARITON, HIS WIFE AND LAWYER HAVE ALLEGED TO EMBOFFS THAT TREATMENT ACCORDED CHARITON SINCE HIS ARREST HAS BEEN TANTAMOUNT TO BLACKMAIL AND VIOLATION OF HIS HUMAN RIGHTS. THEY CLAIM, INTER ALIA, THAT:
--CHARITON WAS HELD WITHOUT CHARGES FOR 19 DAYS, CONTRARY TO NICARAGUAN LAW WHICH REPORTEDLY STIPULATES RELEASE FROM INVESTI-

GATORY DETENTION WITHIN 10 DAYS UNLESS CHARGED. (CHARITON WAS CHARGED WITH FOUR COUNTS OF ILLEGAL ACTIVITY ON JUNE 13.)

--WHILE IN DETENTION, CHARITON WAS BROUGHT BEFORE BCA DIRECTORS OSCAL SEVILLA SACASA, ROBERTO "BOBBY" ARGUELLO, AND OTHERS WHO REPORTEDLY SOUGHT TO "BLACKMAIL" HIM INTO TURNING OVER TO THEM HIS ASSETS, INCLUDING A PLANE THEN IN FLORIDA, WORTH ABOUT \$1 MILLION. CHARITON REFUSED TO ACCEDE TO THEIR DEMANDS.
--LAST MONTH, DUDKIEWICZ'S REPLACEMENT AT BCA, LEON DEBAYLE (SOMOZA RELATIVE) AND OTHERS WENT TO MIAMI WHERE THEY DEMANDED THAT CHARITON'S

BROTHER RELEASE THE PLANE TO THEM. THEY ALLEGEDLY THREATENED TO MAKE CHARITON'S CONDITIONS IN JAIL HARSHER IF THE BROTHER REFUSED. BROTHER GAVE THEM CHARITON'S PLANE.
--BCA OFFICIALS NOW HAVE PLANE AND OTHER CHARITON ASSETS WORTH MORE
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THAN \$2 MILLION BUT ARE STILL TRYING TO "SQUEEZE" CHARITON FOR EVEN MORE MONEY. MRS. CHARITON OPINED THAT THEY ARE DOING THIS BECAUSE THEY THINK CHARITON HAS SUBSTANTIAL OTHER ASSETS IN U.S., AND THAT THEY HOPE, THEREBY, TO COMPENSATE FOR UP TO \$20 MILLION IN OTHER LOSSES WHICH SOMOZA ENTERPRISES HAVE RECENTLY SUFFERED.

5. MEANWHILE, CHARITON'S AMCIT COUSIN AND PARTNER IN ANOTHER LOCAL TEXTILE OPERATION, LESLIE JAY LESAVOY, WAS ARRESTED ON JUNE 7. HE WAS CHARGED WITH HAVING SIGNED AN OVERDRAFT CHECK PAYABLE TO A LOCAL COMPANY

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H-01 NSC-05 NSCE-00 INR-05 CIAE-00 SP-02 PRS-01
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R 081645Z JUL 77
FM AMEMBASSY MANAGUA
TO SECSTATE WASHDC 3718
INFO AMEMBASSY GUATEMALA
AMEMBASSY PANAMA
AMEMBASSY SAN JOSE

AMEMBASSY SAN SALVADOR
AMEMBASSY TEGUCIGALPA

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OWNED BY ANOTHER SOMOZA RELATIVE, NOEL PPALLAIS DEBAYLE. LESAVOY'S AND CHARITON'S TEXTILE COMPANY, LE MIEUX S.A., WAS THEN FORCED INTO BANKRUPTCY. LESAVOY COMPLAINED TO EMBOFFS WHO VISITED HIM IN JAIL THAT HE WAS VERY WORRIED ABOUT A LOCAL PRESS STORY LINKING HIM TO HUGE SMUGGLING OPERATION AND TO RECENT MURDER OF CHIEF CUSTOMS INSPECTOR OSKAR B. REYES ZELAYA. (THAT MURDER, IT TURNS OUT, WAS RELATED TO CAR SMUGGLING RING.)LESAVOY ADDED THAT HE, TOO, HAD BEEN BROUGHT BEFORE BCA OFFICIALS WHO TRIED WRONGLY TO IMPLICATE HIM IN PATAKY FRAUD CASE. LESAVOY ALSO IMPLIED THAT HE TOO WAS BEING SQUEEZED FOR A LOT OF MONEY. LESAVOY, ACCORDING TO VARIOUS SOURCES, WAS COMPELLED TO PAY SEVERAL THOUSAND DOLLARS TO PALLAIS'S FIRM AND TO WORK OUT A "DEAL" WITH BCA OFFICIALS IN ORDER TO GET OUT OF JAIL ON JUNE 20.

6. CHARITON'S HEALTH: CHARITON 'S HEALTH, DUE TO A CHRONIC DIABETIC CONDITION, DETERIORATED IN JAIL. HIS WIFE AND LAWYER TOLD EMBOFFS THAT THEY HAD TIRED UNSUCCESSFULLY TO GET FOUR LOCAL DOCTORS TO EXAMINE HIM IN JAIL. ALL ALLEGEDLY REFUSED ON GROUNDS THAT THEY
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FEARED TO ANGER SOMOZA. LOCAL DOCTOR WHO FINALLY AGREED TO EXAMINE CHARITON FOUND LATTER'S HEALTH SO IMPAIRED THAT HOSPITALIZATION WAS NECESSARY. CHARITON'S LAWYER, DR. IGNACIO ZELAYA PAIZ, PETITIONED CHIEF OF POLICE FOR SUCH HOSPITALIZATION BASED ON DOCTOR'S RECOMMENDATION. CHIEF REPLIED THAT ONLY COURT COULD AUTHORIZE CHARITON'S TRANSFER TO HOSPITAL. (COMMENT: WE HAVE HEARD CHARGE THAT LAWYER KNEW THIS BUT CHOSE TO MAKE POLITICAL CAPITAL OUT OF CHARITON'S PREDICAMENT--WHICH LAWYER PUBLICIZED--BY NOT IMMEDIATELY APPEALING TO COURT FOR MEDICAL EXAMINATION AND TREATMENT; ZELAYA IS OPPOSITION--CHRISTIAN DEMOCRAT--POLITICIAN.) ULTIMATELY, AT SOMOZA'S ORDERS, COURT HAD DOCTOR EXAMINE CHARITON AND LATTER IS NOW IN MILITARY HOSPITAL, PRESUMABLY UNDER LOOSE CUSTODY. CHARITON'S WIFE HAD EARLIER EXPRESSED TO EMBOFFS CONCERN THAT DENIAL OF PROPER MEDICAL CARE TO HER HUSBAND VIOLATED HIS HUMAN RIGHTS AND CONSTITUTED ADDITIONAL, UNDUE PRESSURE ON HIM.

7. SOURCES TELL EMBOFFS THAT SOMOZA WAS PROMPTED TO INTERVENE IN FAVOR OF CHARITON'S HOSPITALIZATION OUT OF CONCERN THAT MRS. CHARITON WOULD PUBLICIZE TREATMENT SHE REPORTEDLY SUFFERED AT HANDS OF NATIONAL GUARD MAJOR GENERAL REYNALDO PEREZ VEGA WHOM SHE HAD ASKED TO INTERCEDE WITH SOMOZA ON HER HUSBAND'S BEHALF. SHE TOLD EMBOFFS THAT PEREX HAD BOTH MOLESTED AND PROPOSITIONED HER. SHE GAVE EMBOFF COPY OF TELEGRAM SHE SENT SOMOZA REPORTING AT-

TEMPTED RAPE BY PEREZ. EMBASSY HAS ALSO HEARD THAT ANOTHER GENERAL ADVISED SOMOZA THAT HE SHOULD CONTROL PEREZ LEST ADVERSE PUBLICITY ABOUT LATTER'S BEHAVIOR CAME TO LIGHT. (COMMENT: WE DO NOT KNOW WHETHER MRS. CHARITON'S ALLEGATION IS TRUE, BUT PEREZ HAS A REPUTATION AS A WOMANIZER.)

8. SOMOZA'S ROLE: SOMOZA TOLD CHARGE ON JUNE 14 THAT HE WAS CONVINCED THAT CHARITON WAS GUILTY OF FRAUD AND THAT HE SUSPECTED THAT BOTH CHARITON AND COSTA RICAN TEODORA PICADO LARA, MANAGER OF SOMOZA'S TEXTILE MILL, WERE INVOLVED IN SMUGGLING. SOMOZA ADDED
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THAT HE IS TAKING A PERSONAL HAND IN INVESTIGATING THE ENTIRE MESS. (COMMENT: SOMOZA'S INTEREST IN CASE MAY HAVE PROMPTED WHAT APPEAR TO BE HIGHLY IRREGULAR COURT PROCEDURES, ALLEGED BLACKMAIL ACTIVITIES AGAINST CHARITON, AND FRANTIC SCURRYING AMONG SOMOZA'S HANGERS-ON TO FIND SCAPEGOATS FOR SCANDAL. SOME SOMOZA ASSOCIATES HAVE CLAIMED TO EMBOFFS THAT AN AMERICAN "TEXTILE MAFIA" WAS BEHIND SCANDAL.)

9. SMUGGLING ANGLE: SOMOZA'S MISTRESS HAS LOCAL REPUTATION FOR BEING INVOLVED IN MANY QUESTIONABLE ENTERPRISES, RANGING FROM THE RIGGING OF GON CONTRACTS TO THE SMUGGLING OF FASHION CLOTHING. ONE SOURCE SAYS THAT SHE AGREED TO ASSIST CHARITON AND PATAKY IN SMUGGLING INTO NICARAGUA LARGE QUANTITIES OF U.S. TEXTILES VIA PANAMA. ANOTHER SOURCE CLAIMS THAT SOME OF THOSE TEXTILES WERE LATER SOLD TO A HONDURAN FIRM, LUIS KAFIE Y CIA., AS BEING NICARAUGUAN PRODUCTS ELIGIBLE FOR DUTY-FREE ENTRY INTO HONDURAS. CHARITON HIMSELF TOLD EMBOFFS THAT AFTER HE HAD MENTIONED "CONTRABAND" TO HIS BCA INQUISITORS, LATTER HAD WARNED HIM TO KEEP HIS MOUTH SHUT ABOUT THAT SUBJECT. LOCAL CHAMBER OF COMMERCE HAS BLAMED CHARITON FOR SMUGGLING AND ACCUSED NICARAGUAN CUSTOMS OF COVER-UP. (ALTHOUGH PRECISE LINKAGE BETWEEN BCA FRAUD AND TEXTILE SMUGGLING REMAINS NEBULOUS, EMBASSY BELIEVES CONNECTION EXISTS.)

10. EMBASSY ROLE: EMBASSY HAS BEEN FOLLOWING CASE CLOSELY. AMBASSADOR MET WITH CHARITON BEFORE LATTER'S ARREST AND CONVEYED TO SOMOZA CHARITON'S DESIRE TO SPEAK WITH HIM; SOMOZA REPLIED THAT HE DID NOT WISH TO SEE CHARITON. CHARGE ALSO DISCUSSED CASE WITH SOMOZA AND INTERCEDED WITH HIGHEST LEVELS OF MFA TO TRY TO GET MEDICAL ATTENTION FOR CHARITON. EMBOFFS VISITED CHARITON THREE TIMES IN JAIL AND TRIED, UNSUCCESSFULLY, TO BE PRESENT WHEN HE WAS ARRAIGNED. EMBOFFS HAVE BEEN IN FREQUENT CONTACT WITH MRS. CHARITON AND WITH CHARITON'S AND LESAVOY'S LAWYERS. MRS. CHARITON ASKED THAT EMBASSY INFORM DEPARTMENT FULLY ABOUT HER HUSBAND'S CASE AND INDICATED THAT SHE HAD ASKED CHARITON'S BROTHER TO AROUSE CONGRESSIONAL INTEREST IN THIS CASE. HER EFFORTS APPARENTLY PROMPTED REPRESENTATIVE RICHARDSON PREYER TO CONTACT DEPARTMENT RE THIS MATTER (STATE 149455). CHARITON INDI-
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CATED TO AMERICAN CONSUL ON JUNE 28, HOWEVER, THAT HE DID NOT WISH TO HAVE CONGRESSMAN APPRISED OF DETAILS OF HIS CASE AT PRESENT.

11. COMMENT: BCA SCANDAL AND CHARITON CASE ARE PROBABLY FAR FROM BEING RESOLVED. EMBASSY WILL CONTINUE TO MONITOR DEVELOPMENTS BUT WOULD NOT BE SURPRISED TO SEE CHARITON MATTER SETTLED OUT-OF-COURT, SO TO SPEAK, SO AS TO AVOID FURTHER EMBARRASSMENT FOR SOMOZA. SOMOZA'S MULTITUDINOUS ENTERPRISES HAVE AN EARNED REPUTATION FOR POOR MANAGEMENT AND LEND THEMSELVES TO BEING "RIPPED OFF" BY INSIDERS WHO REALIZE THAT SOMOZA CANNOT SUPERVISE ADEQUATELY EVERYTHING IN HIS FIEFDOM--HE HAS HIS FINGERS IN TOO MANY PIES. AS ONE LOCAL WAY PUT IT, IF ALL THE FACTS WERE KNWON, IT MIGHT DEVELOP THAT SOMOZA HAS UNWITTINGLY BEEN ROBBING SOMOZA.
RUBENSTEIN

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